



TRO pursuant to Rule 65(b) of the Federal Rules of Civil Procedure to avoid irreparable harm to the Court's ability to provide effective final relief in the event the plaintiffs prevail in this case, including restitution for injured consumers. This TRO is being issued ex parte without advance notice to the Defendants in order to prevent them from transferring, concealing or dissipating assets before the TRO is served and a hearing can be held. The factual and legal basis for this ex parte TRO is set forth more fully in a ruling issued today. See Ruling Granting In Part Ex Parte Motion for Temporary Restraining Order, FTC v. Mizhen, Case No. 110CV-1715(VLB) (D. Conn. filed Nov. 14, 2011).

#### **DEFINITIONS**

For purposes of this TRO, the following definitions apply:

1. "Plaintiffs" means the FTC and the State of Connecticut.
2. "Defendants" means Boris Mizhen, LeanSpa, LLC, NutraSlim, LLC, NutraSlim U.K. Ltd., and their subsidiaries, affiliates, successors and assigns, and includes fictitious names under which they do business.
3. "Assets" means any legal or equitable interest in, right to, or claim to, any and all real and personal property of Defendants, or held for the benefit of Defendants, including but not limited to real estate, chattels, goods, equipment, fixtures, inventory, cash, currency, checks, notes, accounts, credits,



processing agent, or with any broker-dealer, escrow agent, title company, commodity trading company, precious metal dealer, merchant account processor, or other financial institution, depository of any kind, or business entity;

2. Held for the benefit of any Defendant.

3. In the actual or constructive possession of any Defendant; or

4. Owned, controlled by, or in the actual or constructive possession of any corporation, partnership, limited liability company, or other entity directly or indirectly owned, managed, or controlled by any Defendant, or any other entity directly or indirectly owned, managed, or controlled by any Defendant, including, but not limited to, any assets held by, for, or

D. Incurring charges or cash advances on any credit card, debit card, or checking card issued in the name, singly or jointly, of any Defendant;

E. Obtaining a personal or secured loan encumbering the assets of any Defendant; and

F. Incurring liens or encumbrances on real property, personal property or other assets in the name, singly or jointly, of any Defendant.

The assets affected by this Section shall include both existing assets and assets acquired after the date this Order was entered.

HOWEVER, and not inconsistent with the foregoing, the Defendants, upon written notice to the Court and the Plaintiffs, may have up to \$15,000 released from one or more specifically identified accounts for the sole purposes of paying ordinary expenses in the regular course of business and reasonable living expenses.

## II.

### **RETENTION OF ASSETS AND RECORDS BY FINANCIAL INSTITUTIONS AND THIRD PARTIES**

It is further ordered that, pending determination of the Plaintiffs' motion for a preliminary injunction, any financial or brokerage institution, merchant bank, credit or debit card processing company, payment processing company, escrow agent, trust, entity, or person that: (1) holds, controls, or maintains

custody of any account or asset owned or controlled by any



institution or other entity or person that may have possession, custody, or control of any documents or assets of Defendants, or that may otherwise be subject to any provision of this Order. Service upon any branch or office of any financial institution shall effect service upon the entire financial institution.

**IV.**

**NOTICED TEMPORARY RESTRAINING ORDER HEARING**

It is further ordered, pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, that Defendants shall appear on **November 22, 2011, at 9:30 a.m.**, at the United States Courthouse, 450 Main Street, Hartford, Connecticut, Courtroom 2-Annex, before the Hd'G uDß—FVF†RV÷v7o Q"vŽ÷fVÖðFB"Bà



**November 22, 2011, at 5:00**, unless (1) Defendants obtain from the Court an extension of time for a hearing on the motion for a Noticed Temporary Restraining Order, in which case this TRO shall be extended until 5:00 p.m. on the date of such hearing; or (2) within such time, the Order, for good cause shown, is extended for an additional period not to exceed fourteen calendar days, or unless it is further extended pursuant to Federal Rule of Civil Procedure 65.

So ordered this 14<sup>th</sup> day of November 2011, at 9:45 a.m.

\_\_\_\_\_/s/ RNC\_\_\_\_\_  
Robert N. Chatigny  
United States District Judge